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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,774	03/11/2004	Yoshifumi Shiraishi	36418	6455

116 7590 03/28/2007
PEARNE & GORDON LLP
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CLEVELAND, OH 44114-3108

EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/798,774

Applicant(s)

SHIRAISHI ET AL.

Examiner

Anh T.N. Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2007.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16, 18, 19, 21-28 and 44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-16, 21-28 and 44 is/are rejected.
7) ☒ Claim(s) 18 and 19 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

FINAL REJECTION

The rejection under 35 USC 112, second paragraph, is withdrawn in view of the amendments to the claims.

CLAIM REJECTIONS

Claim Rejections - 35 U.S.C. § 102

Claims 13-16 are rejected under 35 USC 102 (b) as being anticipated by Takai et al (US 5,537,377).

With regard to claim 13, Takai et al disclose in Figures 1- 6 a player device for improving the reliability of the player, see lines 55-60, columns 1, wherein the device comprising:

- a cartridge C being inserted into a holder (4);
- a device for preventing an incorrect insertion of the cartridge C comprising: - a claw (101) operable to protrude into the recessed part (C1) or the through hole of the cartridge (1) only when the cartridge (C) is inserted into the cartridge storage space (4) in a correct orientation (Figure 2); and
- a stopper (102b) operable to work with said claw (101) such that when said claw (101) protrudes into the recessed part (C 1) or the through hole of the cartridge (C), said stopper (102b) is disposed to allow the cartridge (C) to be inserted and stored the cartridge storage space (4), and when said claw (101) does not protrude into the recessed part (C 1) or the through hole of the cartridge (C), said stopper (102b) is disposed to prevent the cartridge from being inserted and stored in the cartridge storage space (Figures 3-4);

With regard to claim 14, wherein the cartridge (C) being inserted into the cartridge storage space (4) a correct orientation when the cartridge (C) is inserted from a predetermined direction into the cartridge storage space (4).

With regard to claim 15, wherein a joint part (102) to joint the claw (101) with the

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stopper (102b) being disposed to rock on a shaft as a fulcrum, see Figure 3.

With regard to claim 16, wherein a plurality of at least one of said claw (101 L, 1 OR) and said stopper (102b), see Figure 5.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21-28 and 44 are rejected under 35~4 U.S.C. 103(a) as being unpatentable over Tomita (US 4,853,916) in view of Takai et al (US 5,537,377).

As the best construed, Tomita discloses in Figures 1-9 a device comprising:

- a plurality of cartridge parts (4) for mounting a cartridge (3);
- a detector (6) for providing information of incorrect insertion, see lines 60-68, column 2; a moving mechanism (46, Figure 6) operable to move a selected one of said plurality of cartridge storage parts from a first position, at which the cartridge (3) is inserted into the cartridge storage space (4), to a second position which is different than the first position; and
- wherein an inherent control device is used for recording information from the cartridge (3).

However, Tomita does not disclose a device for preventing incorrect insertion of the cartridge comprising a claw and a stopper.

Nevertheless, Takai et al suggests in Figures 1-6 a device comprising a claw (101) and a stopper (102b) as stated above for preventing the cartridge from incorrectly being inserted into the cartridge holder in order to reduce the damage for the cartridge and the cartridge holder.

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ the preventing device as suggested by Takai et al in the device of Tomita for the purpose of preventing the cartridge from incorrectly being inserted into the cartridge holder to reduce the damage for the cartridge and the cartridge holder.

Response to Applicant's Arguments

The applicant argues that Tomita and Takai fail to disclose or suggest the mechanism of the present application for preventing cartridge includes a housing that has a recessed part opened to one side of the cartridge and disposed at positions other than a central position of the cartridge, and a magnetic tape reel, from being inserted in incorrect orientation. Neither reference teaches or suggests a cartridge that would have a recessed part that is used for inserting a reel base that engages with a magnetic tape reel, as required by claims 21 and 44. The arguments are not persuasive because these limitations are not given patentable weight since they are recited in the preamble of claims.

Allowable Subject Matter

Claims 18-19 would be allowable. These claims are allowed because the prior art of record fails to suggest "said determining part operable to activate at least one of: a suspension operation to suspend the insertion; an operation to provide information of an incorrect insertion; and an ejection operation to eject the cartridge from the cartridge storage space, when said determining part determines that the insertion of the cartridge is not in a correct orientation".

CONCLUSION

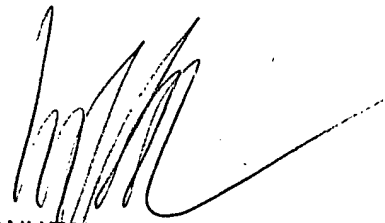
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Monday to Friday from 9:00 A.M. to 5:30 P.M. The fax number of this Group 2800 is (571) 273-8300.



ANH T.N. VO
PRIMARY EXAMINER

March 26, 2007